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**CONFIDENTIAL SETTLEMENT DEMAND**

**VIA Email**

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[dthompson@taftlaw.com](mailto:dthompson@taftlaw.com)

May 26, 2023

Derrick M. Thompson  
Adam William Decker  
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Chicago, IL 60601-4208

*Re: Fred Nance vs EMAGES  
Case No. 1:20-cv-06316*

Dear Counsel:

It was a pleasure speaking with you several weeks ago relating to the above-referenced matter and the seriousness of your request for a settlement demand. As indicated, I have worked with Dr. Nance on another case where I came in solely for the purpose of assisting Dr. Nance with reaching a settlement. Dr. Nance is a smart and fierce pro bono advocate who is not afraid of an intense legal battle, major corporations, nor their lawyers. Nevertheless, we were successful in reaching a settlement in the previous case. I therefore believe that we can reach a settlement herein, since that is the reason Dr. Nance called me. It appears the case is three years old, and I am certain it is wearing on all parties, making an amicable settlement the best option.

I am sure you are far more familiar than I am with the facts and the positions of the parties herein, so I will not belabor those points. In short, it appears that Dr. Nance has filed an Amended Complaint against your client Emages, pursuant to several federal statutes alleging violation of the whistleblower protection provisions, retaliation, as well as certain state claims sounding in negligence.

I have read the Order of Judge Alonzo dismissing several claims *without prejudice* and the Amended Complaint prepared and filed by Dr. Nance, which appears to correct many of the deficiencies from the original filing. The evidence provided seems to support Dr. Nance's allegations, coupled with the surrender of the grant by Emages, on the heels of Dr. Nance's

complaints related to improper policies and procedures, which in my humble opinion, gives him a fighting chance of prevailing herein.

It is my understanding that allowable damages for violation of whistleblower protection provisions include compensatory damages in the general amount of 2 X's the amount of lost income, as well as emotional distress, mental anguish, humiliation, injury to reputation, attorneys' fees, and punitive damages.

Before the grant was surrendered, Dr. Nance was paid for several years, at the yearly rate of approximately \$50,000.00. As I am sure you are aware, Dr. Nance's medical condition and the stress and anxiety he claims that the activities leading up to and including this litigation has caused him, is well documented by his health care professionals. Further, Dr. Nance claims that certain actions have negatively affected his professional reputation in this area where he has worked for several decades and wishes to continue to work.

Based upon the above, Dr. Nance's settlement demand is: **\$300,000.00**

Thank you for your prompt attention to this matter. This demand will remain open for 14 days and thereafter Dr. Nance will resume legal proceedings.

Thanks for your insight in requesting a settlement demand on behalf of Emages. I look forward to working with you.

Very truly yours,

*C. J. Frederick*

Calvita J. Frederick  
Attorney at Law